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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 25th May, 1957

S.R.O. 1841.—In pursuance of the provisions of sub-section (1) of section 96 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No 466 of 1957, presented to the Commission on the 6th May, 1957, under section 81 of the said Act, by Shri Lal Sham Shah s/o Lal Bhagwan Shah, cultivator, Resident of Panabaras, Tahsil Balod, District Durg, (Madhya Pradesh) calling in question the election to the House of the People from the Chanda Parliamentary constituency of that House of Shri V. N. Swamy, Advocate, Chanda (Bombay) State).

Presented to me by Shri R. P. Tekam who has been duly authorised by the Petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the sixth day of May, one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL,

6-5-1957,

Under Secy.,

Election Commission, India.

(Sd.) R. P. TEKAM,

Attested.

(Sd.) DIN DAYAL,

6-5-1957.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 466/1957

Petitioner.—Lal Sham Shah son of Lal Bhagwan Shah, aged about 33 years, Cultivator, Resident of Panabaras, Tahsil Balod, District Durg (Madhya Pradesh), a Candidate for election to the House of People from Chanda Parliamentary Constituency.

versus

Respondents.—(1) Shri V. N. Swamy, aged about 50 years Advocate, Chanda, Returned Candidate from the Chanda Parliamentary Constituency (State of Bombay).

(2) Shri J. B. Salwe, aged about 61 years, Shopkeeper, Resident of Chanda (Bombay State).

(3) Shri Bhagwati Prasad Mishra, aged about 41 years, Resident of Chanda (Bombay State).

Memo of Election Petition under Sections 80 and 81 of the Representation of the People Act, 1951—in the Matter of Election to the House of the People from Chanda Parliamentary Constituency.

The Petitioner named above begs to submit as under:—

(1) That the petitioner is enrolled as Elector in Raipur Parliamentary Constituency, consisting of Chowki Legislative Assembly Constituency, Serial No. 255. He was duly proposed and his Nomination paper for election as a member to the House of the People from Chanda Parliamentary Constituency was validly proposed and accepted. His symbol for the election was "BOW AND ARROW".

(2) That the Respondent No. 1, also filed and filled in his nomination paper which was also accepted by the Returning Officer, though wrongly. The Respondents Nos. 2 and 3 were also nominated for the election but they withdrew their nomination in favour of the petitioner. Thus there was a straight fight between the Petitioner and Respondent No. 1. The respondent No. 1 contested as a nominee of the Congress Party and had chosen his Symbol "Two Bullocks with Yoke on". The Polling took place on 25th February, 1957, 6th March, 1957 and 11th March, 1957 commencing from 8 A.M. and lasting upto 5 P.M. The counting took place on 23rd March, 1957 and the result was declared on 23rd March, 1957 in which the respondent No. 1 was declared elected. The petitioner secured 97,973 votes while the respondent No. 1 secured 1,19,949 votes and the Respondent No. 1, was declared elected by 21,976 votes.

(3) That the election of Respondent No. 1, is void, irregular, illegal and *ultravires* for the reasons that follow hereunder:—

- (i) That the Respondent No. 1, is a partner of the Managing Agents the C. P. Development Co. of the Ballarshah Timber Syndicate Ltd., Ballarshah, District Chanda. The said Ballarshah Timber Syndicate has entered into an agreement with the Railway administration for the supply of wooden sleepers for laying down Rail roads. The said Syndicate has also entered into a lease agreement with the ex-Zaminder of Ahiri Estate. After the abolition of Proprietary Rights, the said agreement is being continued by the State of Madhya Pradesh after the States Reorganisation Act, 1956 the State of Bombay as successor to the Ex-proprietor. Thus the Respondent No. 1, being the partner in the Managing Agency the C.P. Development Co. of the above said Syndicate was disqualified to be a candidate as he was interested in that capacity in contracts with the Government. The respondent No. 1 also gets a remuneration of about Rs. 1200 per month as Managing Agent of the said Syndicate. The respondent No. 1 manages the affairs of the above mentioned Syndicate as Managing Agent and is interested in the contracts in that capacity.
- (ii) The Electoral rolls were not properly prepared and hundreds of voters who were eligible to vote were not included in the said rolls.
- (iii) The respondent No. 1 had engaged several persons to get the votes, to collect the ballot papers outside the booths who used to ask the voters not to put their ballot paper into the box but to bring it outside. Such ballot papers were subsequently collected and purchased. One of the trusted voter of respondent No. 1 used to go inside the booth with these purchased ballot papers and they were put into the ballot box of respondent No. 1. At Thanegaon, Wasonda, Maroda, in the Armori Legislative Assembly Constituency it was noticed at the time of counting that several ballot papers were found in one fold as if put in by one person who collected them. At Ballarpur booth No. 4, on 25th February, 1957 it was noticed that a person by name Hukum was bringing out his vote for sale to the agent of respondent No. 1. The matter was instantly reported to the President Officer who handed that person over to the Police. The case against him is pending in Court.
- (iv) On 24th February, 1957, the respondent No. 1 promised to give Rs. 300 as donation for construction of a School building at Manora. The area is thickly populated by Adiwasis. The donation was pronounced by Respondent No. 1 with a view to induce the voters in that locality and interested in the school building, to vote in favour of Respondent No. 1.

- (v) That one Anandrao Gawande who was canvasser for respondent No. 1 distributed liquor to the voters in the afternoon on the day of polling i.e., on 25th February, 1957. The matter was reported to the Presiding Officer and action was taken through Police Jamadar.
- (vi) At Gond Pipri Nos. 1 and 2, one Tulsiram son of Bhadu Meshram Gond of Gondpipri was beaten by Congress workers on 25-2-1957. The matter was reported orally to the President Officer by Shri Bhagwanshah Meshram, who was Polling agent of the Petitioner. Then again on 23rd March, 1957, on hearing the defeat of Shri Lal Sham Shah, Tulsiram was again beaten. The report of this incident was made to the Police and the person was got medically examined. The said Tulsiram was one of the active workers of the petitioner and was canvassing for the petitioner in the election.
- (vii) Two rikshaws Nos. 54 and 59 belonging to Shri Chimurkar of Chanda and respondent No. 1's car were used for carrying voters to the Polling stations on 25th February, 1957 at Ballarpur. The report of this matter was also made to the Presiding Officer.
- (viii) Paper Mills and the Coal mines at Ballarshah were not closed on the date of polling i.e., on 25th February, 1957 and thousands of voters could not cast their votes.
- (ix) On 21st February, 1957 at Sangola the three Police Officers of Seraj Police Station namely, Syed Sadikali, Ananda Police Constable and Vithal Police Constable, abused Shri Paikan son of Chintu Kumbi and Shri Maroti Warpatkar in filthy words and beat them. The police officials had consumed liquor and they tied the hands of the aforesaid two persons for taking them to Seraj Police Station on the way at Antagarh. They were released by these police officials on the condition that they would not canvass and work against Congress candidates. Thus the Government officials also exercised their influence and authority to induce persons not to vote or canvass against Congress.
- (x) Then again on 23rd February, 1957 Shri Paikan and Maroti Warpatkar along with Ramchandra Dharmaji Kunbi of Korapna were beaten by the Police Officers Syed Sadiq Ali, Police Jamadar Ramchandra and Police Constables Kesheo, Vithal and Ganpat. This incident took place between the villages Pipri and Kotsi when the former were going for propaganda work to attend the polling booths on behalf of the petitioner. The canvassers of the petitioner were arrested and put under lockup for near about 8 hours at Seraj Police Station. The cases are going on against these persons in the Court of the Magistrate First Class, Rajura.
- (xi) As Gugus Collieries which fall under Serial No. 1 and Serial No. 2 and Lalpeth Colliery fall under Serial No. 16 of Chanda Legislative Constituency were not closed, many voters could not exercise their right of voting, on 6th March, 1957.
- (xii) In thickly populated areas where tribals are in majority, such as in villages coming under Serial Nos. 52, Chinchpalli, 53 Gond Sawri etc. the Canvassers of respondent No. 1 Anandrao Gawande, Chile, etc., made a propaganda that the petitioner does not belong to Gond tribe. Shah stands for Mohamedan and therefore they told the voters not to be misguided by the name "Shah". This happened during the last week of February, 1957. The supporters of respondent No. 1 also misrepresented and told the tribal women voters that there was no polling for women on 6th March, 1957 and their polling would be on the next day. This happened at the abovementioned Polling stations and was done in furtherance of the prospects of respondent No. 1 and at his instance.
- (xiii) The petitioner was supporting the candidature of Shri Manohar Kotpalliwar from the Chanda Legislative Assembly Constituency to the Bombay State. The Symbols of the petitioner and Shri Kotpalliwar was "Bow & Arrow" Shri Kotpalliwar was also supporting the candidature of the petitioner to the House of the People. The said Manohar Kotpalliwar was contacted by the Scheduled Caste Federation leader Shri Rajabhau Khobragada Shri Khobragada demanded Rs. 25,000 from Shri Manohar Kotpalliwar and the petitioner and if the same were paid he promised the support of Scheduled Caste

Federation to the petitioner. Shri Kotpalliwar did not agree to this corrupt practice and said that he would not like to purchase schedule caste votes in this way. The petitioner also did not agree to it. The respondent No 1 agreed to the terms of the Scheduled Caste Federation and satisfied their demand. The said Shri Rajabhai Khobragade and other leaders of S.C.F. requested the Scheduled Caste voters and induced them to vote for respondent No 1. Shri Swamy also congratulated Barrister Khobragade on 23rd March, 1957 for the latter's assistance to the former in furthering the prospects of his election. Thus the respondent No 1 corruptly made payments and promises to the Scheduled Caste Federation and induced the members thereof to vote for him.

- (xiv) Shri M. S. Kannamwar had filled in Nomination paper as a candidate from Sawli Legislative Constituency. Objection to his nomination was taken and it was contended that his nomination paper was invalid as he was enrolled as a voter in two different constituencies in the State. As a person is entitled to be registered as voter in the Electoral roll only once, the double enrolment of Shri Kannamwar made him disqualified to contest the election. Shri Kannamwar has also mentioned a different number in his two nomination papers. The objection was overruled by the Returning Officer by his order dated 1st February, 1956. This has resulted in an improper acceptance of his nomination paper. Shri Kannamwar was a Minister of the State of Bombay at that time and as he was allowed to contest that created a sort of political influence upon the mind of electors. Shri M. S. Kannamwar was also contesting on a Congress Party Ticket and the election front of Respondent No 1 and Shri M. S. Kannamwar was joint. The electors who were thus made to vote for Shri M. S. Kannamwar also voted for Shri V. N. Swamy—Respondent No 1 and that has materially affected the result of the election.
- (xv) At Kohregaon at the eve of election, Rs 600 were paid in cash by Shri Tadarwar on his own behalf and also on behalf of respondent No 1 for construction of School building. This donation was used as a subtle device to conceal briefly which was intended to induce voters in that locality to vote for respondent No 1.
- (xvi) On 11th March, 1957, at Polling stations Desaganj Nos 1 and 2 in Armori Legislative Constituency, bullock carts and motor vehicles were used on behalf of respondent No 1 for bringing voters to the booths. The motor was owned by Mahadeo Sangji of Desaganj. Reports of these matters were made to the Presiding Officer by Shri Weekey who was contesting the election to the Bombay Legislative Assembly from Sioncha Constituency.
- (xvii) Shri Pandurang Shrihari Hemke and 'ba Sorte, Janapad Teachers working under the 'sabha, at Armori, were appointed as Polling station No 19 which is about three miles away from Armori. These two teachers who are Janapad and Government servants left their duties and came to Armori. They worked for Congress candidates at Polling station Nos 20 and 21. Complaints against their canvassing having already been made by Shri Pandurang Tijare, R. M. Khobragade and P.S. candidate Shri Mhaske himself to the Presiding Officer at Armori. Shri Hemke and Sorte not only canvassed but while voting they were carrying badges by Two Bullocks with Yoke on and of Election Clerk on their coat and they also voted personally at Armori. These two teachers worked for Congress as Shri Tadarwar 'be the Chairman of the Education Standing Comm 'Sabha of Gadchiroli. Shri Tadarwar was Congress 'armori Constituency and the above teachers also canvassed for the respondent No 1 as he was also a Congress candidate for Lok Sabha. The canvassing of these two persons was calculated to influence rustic voters of the locality.
- (xviii) On 10th March, 1957, Shri Tadarwar on his behalf and also on behalf of respondent No 1 paid Rs 150 to Dhiwar Samaj for purchase of a petrolmax etc for Dhiwar Samaj to vote and this induced the members of that Samaj to vote for respondent No 1. The Dhiwar voters thus influenced were to vote at Armori polling station.

- (vix) There was a very poll at Shogaon Polling station as Congress workers made propaganda on the day of polling that Military force was coming there. The canvassers or respondent No. 1 also misrepresented and told the voters that due to rains there would be no polling on 11-3-1957. This type of propaganda was made with an intention to induce the voters not to vote at this polling station as the Congress candidates apprehended the verdict of the majority in favour of the petitioner in this area. This propaganda was made at the eleventh hour.
- (xx) On 11-3-1957 one person was beaten by Congress worker at Manapur as he had cast his vote to the Bow and Arrow. The report of this was made to the Armori Police Station.
- (xxi) At Ghotsur Congress worker Sri Gaddamwar misrepresented and told the voters that if they vote for Bow and Arrow, they will be deemed to be warminded and will be sent to War.
- (xxii) At yella a motor car was used by Congress workers for providing conveyance to the voters.
- (xxiii) At Khambada Police station Forest Guard of Angara visited the village Nawezari on 7-3-1957 obstructed canvassing of the canvassers of petitioner Shri Raghoba Kuksu Pendum and Baburao Nawalshah Madwai, residents of Malewada. The said Forest Guard asked Shri Maji son of Bhosa Gond and others who were present to vote for Congress. He further threatened that if they do not cast their votes in favour of Congress candidates, he would see that they are involved in forest cases.
- (xxiv) Conveyances were arranged to bring the voters to polling booth at Congress candidates for Bombay Legislat constituency accompanied by Shri Jiwan Ganguwar pleader of Gadchiroli and Habib son of Nandani attended Malewada market for the propaganda of Congress candidate including respondent No. 1. It is learnt from Gyanba Latenge of charvidand and Shiwa Weekey of Angara and others that at Malewada misunderstanding and misrepresentation was made by Shri Narote by telling the people of that area that Shri Lal Sham Shah does not belong to Gond community. The petitioner was said to be contesting the election to bring British Rule in India and to get back his Zamindari.
- (xxv) Dina Ketu Ramteke, Tribal Welfare School Teacher Malewada, also worked and canvassed to secure votes for Respondent No. 1.
- (xxvi) Shri Ganguwar pleader paid Rs. 10/- to Shri Mewsu son of Dhundsu Uikey, Newasu son of Dhuosui Uikey of Murmari as illegal gratification to work for Congress candidate.
- (xxvii) During the last General Elections, the village Palapundi was included in the Station Khobramenda. This time the village was included in the Polling Station Malewada. The village Kotwal Thushya son of Sukhya gave Dawandi (beat of drum) on 10-3-57 and pronounced that there would be polling on 11-3-57. There was no mention of the name of the Polling Station in his said proclamation. The voters went to Khobramenda but they were told that they should go to Malewada. The voters got disgusted and did not turn up for voting.
- (xxviii) Shri Bhajan Urkuda Masram, the Police Patil of Kulkuli who is a Government servant worked and canvassed to secure votes for respondent No. 1. The said police patel further acted as polling agent for respondent No. 1 at Kulkuli polling station, and thus helped in furtherance of prospects of the election of respondent No. 1. Police Patel is appointed by the Government authorities and also gets his remuneration from the Government.
- (xxix) Conveyances were arranged to bring the voters to polling booth at Wadgaon, on behalf of Congress candidates. A report to that effect is already made to the Presiding Officer.
- (xxx) Canvasser for Respondent No. 1, Rashid Patel of Nanhi paid Rs. 20/- to Shri Budhaji Madavi on 9-3-57 at Kurkheda and assured to pay him Rs. 80/- more at Malewada on 10-3-57. This amount was given to Budhaji so that he should refrain from canvassing and working

for the petitioner. Shri Rashid Patel was working for the Respondent No. 1.

- (xxxix) The voters who were to cast their votes at Pendri Polling Station were misguided by canvassers of respondent No. 1 Shri Mohmakha Pathan and Mohd. Shiraj of Gadchiroli who told them that due to rains the polling was cancelled. The respondent No. 1's supporters apprehended that there will be huge polling in favour of the petitioner and therefore they misrepresented with an intention to keep back the voters. A few voters were also dragged to the polling station by the Congress supporters and they were threatened that if they do not vote for Congress, there will be danger to their lives. The names of these blind voters are Mahagi Paik and Guji Tukaram.
- (xxxvii) At Talodi Makasa Congress posters were seen on the election day within the prohibited area and those were destroyed subsequently during the polling hours.
- (xxxviii) Polling agent of Respondent No. 1 Chambru of Talodhi Mokasa accompanied the voters to the polling booths.
- (xxxix) When the polling was over, the supporters of Congress threw stones on a Jeep at Talodi Mokasa at 8 p.m. thinking that the same belonged to the petitioner. They also tried to burn it. Later on the hooligans came to know that it was Government Jeep and Shri Marathe Naib Tahsildar Gadchiroli who was touring in that Jeep has reported the matter to the Police.
- (xl) The respondent No. 1 lodged a false complaint against Shri Vishweshwarrao an active supporter and election agent of the petitioner with the D.S.P. Chanda. The respondent No. 1 also asked for police force at Ahiri Sironcha etc. where respondent No. 1 apprehended heavy polling for the petitioner. The complaint was found to be baseless and false by the D.S.P. Thus the respondent No. 1 tried to defame the petitioner and arrest his progress by these methods to create a sort of feeling against them and terror in the minds of voters in that constituency which is inhabited by illiterate people.
- (xli) Shri M. S. Kannamwar a candidate from one of the Legislative Constituency of the Bombay State Assembly forming part of the Chanda Parliamentary Constituency during the course of his election meeting for Congress, announced at Kurkheda on 9-3-57 and at Chamorshi on 10-3-1957 that the petitioner wants to establish a Gondi Rajya. The voters were also asked to verify before voting, whether in fact Sham Shah is a Gond.
- (xlii) Shri Rajabhau Khobragade—the president of the Scheduled Caste Federation through public pamphlets requested the members of Scheduled Caste not to vote for any candidate of Lok Sabha. The said Shri Khobragade was also helped by his brother Shrihari Dewaji Khobragade in this matter.
- (xliii) Shri Khobragade had also demanded Rs. 25,000/- from the petitioner for his own election expenses. The petitioner refused to give this amount. Thereupon Shri Khobragade wrote that the petitioner thus created misunderstanding amongst the votes against the petitioner.
- (xliv) False statements were issued by Shri R. W. Kathade and Shri Wasekar on behalf of Congress that the Respondent No. 2 who had filled in his nomination paper from Chanda Parliamentary Constituency as a dummy candidate for the petitioner has been expelled from Congress and therefore he was said to be supporting the petitioner. When in fact the said Jagadishrao Salve respondent No. 2 is not a member of the Congress organisation since 1953. This defamatory statement was calculated to prejudice the general opinion about Shri J. B. Salve so as to affect the prospects of petitioner's election.
- (xlv) It was further noticed at the time of counting of votes that several ballot papers were folded together in one. Such votes were challenged before the Returning Officer. The returning Officer cancelled some votes in the beginning but later on he did not pay any heed to it.

- (xli) Several ballot papers of Legislative Assembly seat were found in the ballot-boxes of Lok Sabha Seat which indicated that ballot papers for Parliament were taken outside the booth by the voters and were sold.
- (xlii) Shri Narayansingh son of Sampatsingh Weakey a returned candidate to the Bombay State Legislature from Sironcha Constituency had first chosen his symbol "Bow and Arrow" but subsequently after the time for withdrawal he suddenly got a symbol "HUT" which was not at all mentioned in his nomination paper in order of preference. The Hut is symbol of Praja Socialist Party and the party had also not informed the Returning Officer about the candidature of Narayansingh Weakey as their party candidate till 3 O'clock on the date of withdrawal. This sudden change of symbol has caused great prejudice to the prospects of the petitioner as Narayansingh Weakey and the petitioner were running a joint election campaign. That has materially affected the result of the election as the persons thought that Narayansingh Weakey was not supporting the petitioner.
- (xliii) The Kalapathak, School building and the School Material of the Janapad Sabha School at Susi were used for furtherance of the election prospects of respondent No. 1. The Head-master of the Janapad Sabha School also canvassed for respondent No. 1 and utilised the machinery of the School for that purpose. Reports of these matters were already made in due course.
- (xliv) Jeep No. HYX 1401 was used as a conveyance for voters at Yella Polling Station, which was used for respondent No. 1 and a report to that effect was made to the Presiding Officer Yella Polling Station.
- (xlv) At Talodhi Mokasa Polling Booth, Congress canvasser and agent for respondent No. 1 Shri Yadeo Sahukar accompanied the voters inside the Polling Booth and canvassed within the prohibited area. The said Agent Yadeo Sahukar, further tried to personate by asking one Naktu Voter to tell himself as "Waktya".
- (xlvi) The posters of "Two Bullocks with Yoke On" and of respondent No. 1 were seen within 100 yards of the Polling Booth since morning to noon, on the election date at Talodhi Mokasa Polling Booth.
- (xlvii) List of Polling Stations was published very late only a week before the actual day of polling. The Polling Stations were different than those at the last election. The petitioner had told voters to go at particular Polling Station on the basis of the list circulated in the last elections. This late submission of the list caused great confusion and the voters were thus misguided. The polling agents also could not be appointed in time and that has materially affected the result of the election.
- (xlviii) Shri R. W. Kathadepresident of the District Congress Committee, Chanda issued a printed pamphlet dated 20th February, 1957 which was widely circulated in the Chanda Parliamentary Constituency. The said pamphlet was published to praise Shri M. S. Kannamwar. It was alleged in this pamphlet that during the regime of Shri M. S. Kannamwar he has done several things for Chanda District through the Central and State Governments. Shri M. S. Kannamwar has been the main cause for getting various works done which must have cost near about 3 crores to the Government. Several schemes carried out are mentioned in this pamphlet which includes works of P. W. Department of the State of M. P. i.e., Water Schemes, bridges, educational institutions, hospitals, Ballarpur Paper Mills, Khaperkheda Power Centre, Food Godowns, etc. The pamphlet further contends assurances regarding new Hospitals and tanks. It was further stated therein that these achievements are due to congress and Shri Kannamwar, and therefore the voters were requested to vote for Congress candidate including respondent No. 1. The said pamphlet is a deliberate lie which was calculated to misguide and mis-represent the voters with an intention to induce them to vote for Congress candidates including the respondent No. 1. The Acts of the Parliament and activities of the Government were interpreted to be those of the Congress Party to mislead the voters.

- (xlix) Pamphlets in the name of Shri Kirtimantrao Attam were published and circulated throughout the constituency contending therein that the public should not rely on Shri Vishveshwarrao—the election agent of the petitioner and Ad.wasis were requested to vote for Congress candidates including respondent No. 1. The said pamphlets further are not in fact signed by Shri Kirtimantrao and these were got printed by the Congress canvassers to use Shri Kirtimantrao's influence for election of respondent No. 1. The said fraud has practised for furtherance of the respondent No. 1's prospects of election.
- (i) The respondent No. 1 along with the other Congress candidates published and circulated a pamphlet for soliciting votes. The said pamphlet contends that respondent No. 1 is a representative of late Mahatma Gandhi, the father of the Nation and Shri Jawaharlal Nehru—the Prime Minister of India. The names of those National personalities were used to influence the voters to induce them to vote for respondent No. 1.
- (ii) A pamphlet was issued by several Congress canvassers to solicit votes from weavers class contending therein that the Congress has achieved First Five Year Plan and the weavers will be getting new houses, better remuneration, subsidies, loans and donations from the Government if they vote for Congress. These offers amount to illegal gratifications calculated to induce the voters corruptly. This pamphlet was also circulated in the whole constituency by the canvassers of respondent No. 1.
- (iii) Then again a series of Pamphlets with the heading "What Congress has achieved and what it promises it to do in future" were published by the Pradesh Congress Committee and were circulated throughout the constituency at the time of elections. The said pamphlet bore the photograph of Pandit Jawaharlal Nehru. Separate pamphlets were also issued for members of scheduled castes and tribes, women cultivators and also for labourers. Pamphlet No. 2 was issued for members of scheduled castes and contended that the Congress has abolished untouchability it has made all public and educational institutions open for them and has provided facilities for education, scholarships etc. The Congress was building a One Lack New Houses for Harijans and also sinking wells for them. All these allegations were made with an intention to induce voters by creating confusion in their minds between Congress and the Government. The works undertaken by the Government were said to be done by Congress. The same is the case with the pamphlet No. 3 issued for the Adiwasis. 30 Crores Rupees were said to be earmarked for the welfare of the Adiwasis. New roads, houses and schools were being constructed for them. It was further said that twenty thousand wells were to be sunk for them at the cost of 53 lacs of rupees in the near future. The officers who knew Scheduled Tribes problems were being appointed to educate and administer Adiwasis. The pamphlet contains false statements and confusion between Congress organisation and the Government is sought to be exploited to misguide the voters. The pamphlet No. 4 issued for women contains that the Congress has given them equal status and equal representation with the men and thus achievements of Parliament were interpreted to be those of Congress to misguide the voters. Pamphlet No. 5 issued contains that Congress has abolished Zamindaris, distributed tceavi, creates sources for irrigation, increased food production and has passed Second Five Year Plan which would give further facilities to the cultivators. These achievements of the Government were said to be those of the Congress to misguide the voters. Pamphlet No. 6 declares that achievement of First Five Year Plan is a work of Congress. Pamphlet No. 7 declares that the Second Five Year Plan is also a plan of the Congress. Pamphlet No. 9 declares that social insurance and provident schemes, industrial dispute settlement machinery, Factory Legislation, industrial housing schemes, Labour Welfare Centres, better pay scales and dearness allowances, labour representations, free education for labour etc. were all provided by the Congress for Labourers. Here in fact these are achievements of Legislatures and the Government. This confusion was caused to misguide the voters. Pamphlet No. 13 says that public health schemes of the Government were the achievements of the Congress. Pamphlet No. 15 says that the Congress has reduced the burden of taxes on masses. All these pamphlets were published under the authority

of Nagpur Pradesh Congress Committee and were distributed by Congress canvassers throughout the Chanda Parliamentary Constituency during the election with a corrupt motive of impressing upon the voters that whatever is done by the Government Parliament and Legislatures was done by the Congress organisation itself. Further assurances were also given in these pamphlets that several other beneficial schemes would be carried for the sake of voters in case they vote for Congress. These Practices amount to bribery, undue influence, misrepresentation etc. and are corrupt practices. These pamphlets further were bearing photographs of Shri Jawaharlal Nehru which was published to influence the voters. The voters were made to believe, that vote for respondent No. 1 is vote for Shri Jawaharlal Nehru—the Prime Minister of India.

- (lii) The respondent No. 1 has submitted a false return of an election expenses. The return submitted by him does not show all the items of expenditure which are well over Rs. 50,000. The respondent No. 1 has thus incurred disqualification to be a member of the House of the People.
- (liv) Thus the election of respondent No. 1 is void for the reasons stated above as the same has been procured by practising illegalities and corrupt practices stated above. The result of the election has been materially affected by the corrupt and illegal practices mentioned above. The petitioner has already stated the names of agents and persons who acted for respondent No. 1 in the election. These persons have acted in furtherance of the prospect of election of respondent No. 1. As these illegalities have materially affected the result of the election, the whole election is void.
- (lv) The respondent Nos. 2 and 3 are added as parties because there are certain allegations concerning them and the petitioner is claiming declaration of his own election.
- (lvi) The petitioner has deposited the requisite amount of Security as prescribed and a challan showing the deposit of Rs. 1000 is attached herewith.
- (lvii) The petitioner will be relying on pamphlets issued by Congress organisation and in the name of Kirtimantrao and Kathade, the photo prints of letters written by Rajabhai and Shrihari Khobragade. He will also be filing several other documents before the Election Tribunal.
- (lviii) The result of the election was declared on 23rd March, 1957, and the petition is being presented within 45 days thereof.

PRAYER

Therefore, it is prayed that the election of respondent No. 1 may kindly be declared as void.

(ii) The petitioner be declared to have been elected from Chanda Parliamentary Constituency;

(iii) The costs of these proceedings be saddled on respondent No. 1;

(iv) Any other relief thought expedient and just in the interest of justice may kindly be granted to the petitioner; and

(v) The petitioner be allowed to adduce evidence and to produce documents before the Hon'ble Tribunal.

The 2nd May, 1957.

(Sd.) LAL SHYAM SHAH,
Petitioner.

Verification

I, Lal Shyam Shah son of Lal Bhagwan Shah do hereby declare that the contents of paras I are true to my own knowledge and those of paragraphs 2 to 8 (i) to (ivii) above are true to the information and advice received and believed to be true. Verified and signed at Moholla, this the 2nd day of May, 1957.

(Sd.) LAL SHYAM SHAH,
Petitioner.

[No. 82/466/57.]

By Order,

DIN DAYAL, Under Secy.

